

Article - Public Utilities

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§7–309.

(a) This section does not apply to electric cooperatives.

(b) (1) In this section the following words have the meanings indicated.

(2) “Affected dwelling unit” means a dwelling unit, as defined in § 7–303 of this subtitle, where the utility service:

(i) is in the landlord’s name;

(ii) is delivered through a single meter to a single dwelling unit; and

(iii) does not use a master meter.

(3) “Co–occupant” means two or more adults who occupy the same dwelling unit as their primary domicile or legal residence within the State.

(4) “Landlord” means an owner of an affected dwelling unit who leases the affected dwelling unit to a tenant.

(5) “Tenant” means an occupant of an affected dwelling unit who:

(i) has a valid oral or written lease to reside in the affected dwelling unit; and

(ii) is not a co–occupant with the landlord in the affected dwelling unit.

(6) “Utility service” means gas or electric service provided to an affected dwelling unit by a public service company that is regulated by the Commission.

(7) “Utility service provider” means a public service company that:

(i) provides gas or electric service; and

(ii) is regulated by the Commission.

(c) If utility service at an affected dwelling unit is subject to the threat of termination or actual termination, a tenant residing in the affected dwelling unit:

(1) may apply for a new utility service account in the tenant's name; and

(2) may not incur liability for charges due on the landlord's account.

(d) (1) Subject to paragraphs (2) and (3) of this subsection, when a tenant applies for a new utility service account under subsection (c)(1) of this section, a utility service provider shall establish a new utility service account for the affected dwelling unit in the name of the tenant if the tenant meets the requirements of all applicable laws, regulations, and tariffs.

(2) A utility service provider may, in accordance with applicable laws, regulations, and tariffs, require a tenant to pay a deposit and past due balances from previous accounts in the tenant's name before establishing a new utility service account in the tenant's name.

(3) A utility service provider may not refuse or otherwise condition a tenant's ability to establish a new utility service account in the tenant's name because of arrearages on the landlord's account.

(e) Notwithstanding any other law governing the protection of customer information, if the billing address for a utility service account is different from the service address for the same utility service account and a utility service provider sends a termination notice to the billing address, the utility service provider shall:

(1) send a termination notice to the service address by first-class mail or post a termination notice in a conspicuous location at the service address at least 14 days before terminating utility service to the affected dwelling unit;

(2) ensure that the notice contains:

(i) the earliest date that service will be terminated; and

(ii) the telephone number the tenant may call to obtain further information;

(3) address the notice to "All Occupants"; and

(4) enclose the notice in an envelope that states on the address side, in bold, capitalized letters in at least 12-point type, the following: "IMPORTANT NOTICE TO ALL OCCUPANTS: UTILITY TERMINATION PENDING".

(f) If the billing address for a utility service account is the same as the service address for the same utility service account and the utility service provider sends a termination notice, the notice shall be enclosed in an envelope, the address side of which shall have a written notice stating in bold, capitalized letters in at least 12-point type, the following: **“IMPORTANT NOTICE TO ALL OCCUPANTS: UTILITY TERMINATION PENDING”**.

(g) A tenant may deduct from rent due to a landlord the amount of payments made to a utility service provider in accordance with § 8–212.3 of the Real Property Article.

(h) In a rate proceeding filed under Title 4, Subtitle 2 of this article, the Commission shall authorize the full and timely cost recovery of a utility service provider’s prudently incurred costs arising from its obligations under this section.

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